

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I hope we will vote against this amendment because this is not what we need in America—more gun deaths and more police being put in the line of fire.

I yield the floor.

Mr. LEAHY. Mr. President, when the Supreme Court handed down its decision in *District of Columbia v. Heller* I applauded the Court for affirming what so many Americans already believe: The second amendment protects an individual right to own a firearm. The *Heller* decision reaffirmed and strengthened our Bill of Rights.

Vermont has some of the least restrictive gun laws in the country. One does not need a permit to carry a concealed firearm, and citizens of Vermont are by and large trusted to conduct themselves responsibly and safely. In my experience, Vermonters do just that. Like many Vermonters, I grew up with firearms and have enormous respect and appreciation for the freedoms the second amendment protects. Like other protections in our Bill of Rights, the second amendment right to keep and bear arms is one that I cherish.

As a prosecutor, I protected the rights of Vermonters to possess firearms. As a Senator, I have carefully considered Federal efforts to regulate firearms, and always with an eye toward the burdens it may impose on the second amendment rights of law-abiding American citizens.

Justice Scalia's decision for the Supreme Court in *Heller* acknowledged that some reasonable regulation can and does coexist with the second amendment, just as it does for other rights in our Bill of Rights. The States have traditionally played the strongest role in regulating firearms based on State and local concerns. Most firearms regulation is decided within States as an issue of State police power. This is how it should be.

I feel strongly that the principles of federalism demand that the Federal Government minimize its intrusion into the policy judgments made by State and local officials, citizens and State legislators, especially in matters of public safety. I believe this is true whether the Federal Government seeks to restrict the activities of Americans or it seeks to second-guess what State officials have decided is proper regulation. Whenever the Federal Government imposes its will some citizens may be happy, but others will be disappointed. This is particularly true when such Federal action involves matters of safety and police power at the State level. The Federal Government plays a role in regulating the importation of firearms and has in providing a framework for interstate commerce.

Senator THUNE's amendment imposes the policy judgments of the Federal Government on the States. Just as I would vigorously oppose any Federal effort to restrict the ability of a State

to allow its citizens to carry firearms in a concealed manner, I oppose this effort to second-guess the judgments of State and local officials across the country in relation to permitting people to carry a concealed firearm. Just as I would resist Federal legislation that prohibited States from entering reciprocity agreements with each other to honor one another's concealed carry permits, I do not believe the Federal Government ought to be forcing States to treat citizens from other States differently than it treats its own on this public safety matter. The Thune amendment represents the Federal Government intruding into the gun laws of the States. It could even result in some States repealing their concealed carry laws to avoid the impact of the Federal law.

What works in Vermont does not necessarily work in New York City. And what works in New York City would not get a warm welcome in Vermont. That is the beauty of our Federal system. When it comes to public safety and police power, the Federal Government ought to respect the judgments of the States, their citizens, elected officials, and law enforcement agencies.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Mr. President, 2 years ago I opposed a bill considered by the Senate Judiciary Committee to strip State and local police departments of their ability to enforce rules and policies on when and how their own officers can carry weapons. Today, I continue to oppose attempts to supersede or limit State gun control laws, and for this reason I oppose Senator THUNE's amendment that would infringe on the ability of State and local governments to regulate concealed guns in their jurisdictions. I have said it before, and I say it again—each State should be able to make its own judgment about whether citizens can carry concealed weapons within their jurisdictions. There is no reason for Congress to override gun safety measures in any State.

Yet the Thune amendment would override the laws of 48 States by requiring them to recognize concealed carry permits from other States, even if the permit holder would not be allowed to possess or carry a gun under the laws of those States. Currently, only two States—Illinois and Wisconsin—have a total prohibition against concealed carry weapons. This amendment would require the remaining 48 States to recognize a permit granted by another State that has issued a concealed weapon permit. Such a system leads to ludicrous results. For example, under the Thune amendment, a person who can't obtain a concealed carry permit in his home State could apparently circumvent his State law by finding another State in which that person would be eligible for a nonresident permit and then, using the reciprocity granted by the amend-

ment, carry the concealed weapon back home.

State and local governments do not have a one-size-fits-all approach on gun control. Yet the Thune amendment treats them as if they were all the same. Under this amendment, a State would be prevented from limiting who can carry a concealed gun in its jurisdiction. In doing so, the amendment threatens the safety of our citizens, our communities, and our States.

States need the right to control who can carry a concealed weapon in their jurisdiction. What State officials, law enforcement, and legislators decide are the best policies for rural States may not be the best policies for urban States—and vice versa. This bill creates a race to the bottom, in which gun owners can get a permit in a State with the least restrictive licensing regulations and use that gun in every other State—except Illinois and Wisconsin, where there is a total prohibition. The amendment even entitles residents in Alaska and Vermont, the two States that allow residents to carry concealed guns without permits, to carry their guns in other States.

In 35 States, such as Massachusetts, a permit holder must have attended a safety course. Other States don't require a safety course, and residents in Alaska or Vermont are not required to have a permit at all. Yet, with the adoption of the Thune amendment, gun owners would be able to carry a concealed weapon without a safety course in all these States. This is absurd. In addition, other State licensing laws, which prohibit permits for individuals with criminal backgrounds or substance abuse problems, would be waived under the Thune amendment if the individual is issued a permit in a jurisdiction with more permissive regulations.

According to the most recent statistics, in 2006, an average of nine young people aged 19 and under were killed by a gun each day in the United States. In 2007, an average of 48 children a day were nonfatally wounded. The scourge of gun violence frequently attacks the most helpless members of our society—our children. Does the Thune amendment—authorizing more widespread use of concealed guns—improve these statistics? Does creating a system that reduces the regulations for permits for many concealed gun carriers improve these statistics? I think not.

In fact, it was found that concealed handgun license holders in Texas were arrested for weapon-related offenses at a rate 81 percent higher than that of the general population of Texas, aged 21 and older. Expanding the ability of a concealed gun holder to carry his weapon in a far larger number of jurisdictions will not lower gun deaths or crime.

Our brave police forces face risks every day in the line of duty. Policing the streets, and even routine traffic stops, are perilous enough without increasing the number of guns that officers encounter. Under the Thune